

### REMARKS/ARGUMENTS

Claims 2 - 9 have been canceled without prejudice subject to prosecution in a continuation application. Claims 2 - 9 were withdrawn from consideration by the Examiner as being directed to a non-elected invention. New claims 10 - 20 are submitted that include the subject matter of claim 1 originally filed.

Claims 1 was rejected under 35 U.S.C. 102 as being anticipated by Star and by Belinky et al. Stark is directed to a golf bag transportation apparatus that uses a base pan mounted onto a trailer shank. Stark does not disclose a flexible cover as now recited in claim 10 or elongated members having "C" shaped channels as recited in claim 15. Belinky et al. discloses a bike rack cargo carrier having a platform mounted on a drawbar. Belinky et al. does not disclose a flexible cover as now recited in claim 10 or elongated members having "C" shaped channels as recited in claim 15.

Under 35 U.S.C. 102, anticipation requires that "the prior art reference must be enabling, thus placing the allegedly disclosed matter in the possession of the public." *Akzo N.V. v. U.S. Int'l Trade Comm'n*, 1 USPQ 2d 1241 (Fed. Cir. 1986). The Court of Appeals for the Federal Circuit states that for anticipation under 35 U.S.C. 102, that "There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention." *Scripps Clinic & Research Found. v. Genetech Inc.*, 18 USPQ 2d 1001 (Fed. Cir. 1991) This was also stated as "An anticipating reference must describe the patented subject matter with sufficient clarity and detail to establish that the subject matter existed and that its existence was recognized by persons of ordinary skill in the field of the invention." *ATD Corp. v. Lydall, Inc.*, 48 USPQ 2d (Fed. Cir. 1998). If an element is missing from the allegedly anticipating reference, it may only be assumed to be inherent in the reference if it must necessarily result from the prior art reference. "The mere fact that a certain thing may result from a given set of circumstances is not sufficient." *In re Delrich*, 212 USPQ 323 (C.C.P.A. 1981).

Clearly neither Stark or Belinky et al. provide the necessary disclosure of the structure recited in claims 10 - 20 to meet the standard of 35 U.S.C. 102. Applicant respectfully requests consideration of claims 10 - 20 in view of the above remarks. These claims are believed to be

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in condition for allowance. Applicant respectfully request that a timely Notice of Allowance be issued in this case.

The Examiner is respectfully requested to telephone the undersigned if further discussions would advance the prosecution of this application.

Respectfully submitted,

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